

SUBJECT: Revising penalties for certain cruelty to animals offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson
0 nays
1 absent — Hunter

SENATE VOTE: On final passage, May 3 — 24-7 (Bettencourt, Buckingham, Burton, Campbell, Creighton, Hancock, V. Taylor)

WITNESSES: *On House companion bill, HB 1357:*
For — David Alex, Criminal District Attorney, Tarrant County; Charles Jantzen, Harris County Constables Office, Pct. 5; Catherine McManus, City of Irving; Jessica Milligan, Harris County District Attorney's Office; Sandra Shelby, Humane Society of North Texas; Robyn Katz, Chris Kemper, Melinda Merck, Francesca Ortiz; (*Registered, but did not testify:* Jessica Anderson, Houston Police Department; Shelby Bobosky, Laura Donahue, and Mary Kahle, Texas Humane Legislation Network; Stacie Flowers, Texas Humane Legislation Network-East Texas Chapter; Vincent Giardino, Tarrant County Criminal District Attorney's Office; Katija Gruene, Green Party of Texas; Micah Harmon, AJ Louderback, Ricky Scaman and Henry Trochesset, Sheriffs' Association of Texas; Ray Hunt, Houston Police Officers Union; Katie Jarl, The Humane Society of the United States; Noel Johnson, TMPA; James Jones, San Antonio Police Department; Nicole Jones, Austin Humane Society; Jesse Ozuna, City of Houston Mayor's Office; Tiana Sanford, Montgomery County District Attorney's Office; Arianna Smith, Combined Law Enforcement Associations of Texas; Gary Tittle, Dallas Police Department; Robert Trimble, THLN; Stephanie Womack, Harris County Constables, Pct. 5; Alicia L. Zander, Austin Pets Alive! Community Action; and 65 individuals)

Against — (*Registered, but did not testify:* Gib Lewis, Responsible Pet

Owners Alliance; Darwin Hamilton)

BACKGROUND: Penal Code, sec. 42.092 makes cruelty to non-livestock animals a crime. The offense can be committed in numerous ways, including:

- torturing an animal or in a cruel manner killing or causing serious bodily injury to an animal;
- without the owner's effective consent, killing, poisoning, or causing serious bodily injury to an animal;
- failing unreasonably to provide food, water, care, or shelter for an animal;
- abandoning unreasonably an animal;
- transporting or confining an animal in a cruel manner;
- without the owner's effective consent, causing bodily injury to an animal;
- causing one animal to fight with another animal, if either animal is not a dog;
- using a live animal as a lure in dog race training or in dog coursing on a racetrack; or
- seriously overworking an animal.

The different types of offenses carry different penalties. Offenses are state jail felonies (180 days to two years in a state jail and an optional fine of up to \$10,000) if they involve torturing an animal or cruelly killing or causing serious bodily injury to an animal; without an owner's effective consent killing, poisoning, or causing serious bodily injury to an animal; causing animals to fight; or using an animal as a live lure. These four types of cruelty to animals are third-degree felonies (two to 10 years in prison and an optional fine of up to \$10,000) if the person has two previous convictions for any cruelty to animal offenses or two previous convictions for cruelty to livestock under Penal Code, sec. 49.02, or one previous conviction for cruelty to non-livestock animals and one previous conviction for cruelty to livestock.

DIGEST: SB 762 would revise the penalties for certain types of offenses for cruelty to non-livestock animals. First offenses relating to torturing, cruelly

killing or causing serious bodily harm; or without an owner's consent poisoning, killing, or causing serious bodily injury to an animal would be increased from a state jail felony to a third-degree felony. Offenses would be second-degree felonies (two to 20 years in prison and an optional fine of up to \$10,000) if the person had a previous conviction under cruelty to animals relating to those same offenses, or causing animals to fight; using an animal as a live lure; or for cruelty to livestock animals.

First offenses for causing animals to fight and using an animal as a live lure would remain state jail felonies. Convictions for causing animals to fight or using an animal as a live lure would be third-degree felonies if the person had a previous conviction for cruelty to animals or for cruelty to livestock animals.

The bill would allow statements made at hearings relating to seizing a cruelly treated animal to be admissible in trials for cruelty to non-livestock and livestock animals.

The bill would take effect September 1, 2017, and would apply only to offenses committed on or after that date.

NOTES:

A companion bill, HB 1357 by Moody, was reported favorably by the House Criminal Jurisprudence Committee on April 10.